

REMARKS

Summary of the Office Action

The Specification stands objected to for not including appropriate headings.

Claims 2-6 and 11-15 stand rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite.

Claims 1-5, 7, 10-14, and 16 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,425,131 to *Crandall et al.*

Claims 6 and 15 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Crandall et al.* in view of U.S. Patent No. 6,728,548 to *Willhoff*.

Summary of the Response to the Office Action

Applicants have amended claims 1-6, and 10-15. No new matter has been introduced.

Applicants respectfully traverse the rejections of claims 1-5, 7, 10-14, and 16 under 35 U.S.C. § 102(e) as allegedly being anticipated by *Crandall et al.*

Applicants respectfully traverse the rejections of claims 6 and 15 under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Crandall et al.* in view of *Willhoff*.

Claims 8 and 9 have been withdrawn.

Accordingly, claims 1-7, and 10-16 are presently pending for further consideration.

Objection to the Specification

In the Office Action, the Examiner objected to Applicants' Specification for not including headings for the following sections:

- i. CROSS-REFERENCE TO RELATED APPLICATIONS;
- ii. BACKGROUND OF THE INVENTION;

- iii. FIELD OF THE INVENTION;
- iv. BRIEF SUMMARY OF THE INVENTION;
- v. BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S); and
- vi. DETAILED DESCRIPTION OF THE INVENTION.

While Applicants appreciate the Examiner's thorough review of Specification, Applicants respectfully request that the Examiner apply the same attention to detail to the prosecution history. In a Preliminary Amendment filed August 17, 2001, Applicants amended the Specification to include headings (ii), (iv), (v) and (vi).

With respect to headings (i) and (iii), M.P.E.P. § 608.01(a) explains that the suggested arrangement of the specification as referenced by the Examiner is understood to be a preference rather than a requirement. Thus, Applicants have not amended the Specification at this time. With specific regard to heading (i), Applicants note that there is no related U.S. Application at present.

Rejections Under 35 U.S.C. § 112, Second Paragraph

Claims 2-6, and 11-15 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Applicants have amended claim 2-6, and 11-15. No new matter has been introduced. Applicants respectfully submit that claims 2-6, and 11-15 meet all the requirements of 35 U.S.C. § 112, as amended. Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. § 112, second paragraph, be withdrawn.

All Claims Recite Allowable Subject Matter

Rejections Under 35 U.S.C. § 102(e)

Claims 1-5, 7, 10-14, and 16 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by *Crandall et al.* Applicants respectfully traverse the rejections for at least the

following reasons.

As amended, independent claims 1 and 10 each recite a method of sending a user message through a transmission network including, in part, the step of “placing a user message in a spare field of a signaling message for setting up the call channel, said signaling message including a parameter to indicate the presence of said spare field.” *Crandall et al.* fails to teach or suggest at least these features of claims 1 and 10.

At the outset, Applicants respectfully request that the Examiner clearly articulate portions of *Crandall et al.* that may be equated with the claimed user message, signaling message, and spare field. The pending Office Action equates the several portions of *Crandall et al.* (i.e., Abstract; col. 3, lines 30-35; col. 5, lines 1-20; and col. 7, lines 7-12) with the claimed step of “placing a user message in a spare field of a signaling message for setting up the call channel.” Paragraph 1. At most, *Crandall et al.* discloses a URL or file 127. Col. 3, lines 30-35. Accordingly, *Crandall et al.* fails to teach or suggest “a spare field of a signaling message for setting up the call channel, said signaling message including a parameter to indicate the presence of said spare field,” as claimed.

As pointed out in M.P.E.P. § 2131, a claim is anticipated by a prior art reference only if each and every element as set forth in the claim is found. Because *Crandall et al.* fails to teach or suggest each feature of independent claims 1 and 10, the rejections under 35 U.S.C. § 102(e) should be withdrawn. Furthermore, claims 2-5, 7, 11-14, and 16 depend from one of independent claims 1 or 10. Accordingly, claims 2-5, 7, 11-14, and 16 are also allowable because of the additional features they recite and the reasons stated above.

Rejections Under 35 U.S.C. § 103(a)

Claims 6 and 15 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable

over *Crandall et al.* in view of *Willhoff*. Applicants respectfully traverse the rejections because *Willhoff* fails to cure the aforementioned deficiencies in *Crandall et al.*

As pointed out in M.P.E.P. § 2143.03, all the claimed limitations must be taught or suggested by the prior art to establish *prima facie* obviousness of a claimed invention. Because *Crandall et al.* or *Willhoff*, whether taken alone or in combination, fail to teach or suggest each feature of dependent claims 6 and 15, the rejections under 35 U.S.C. § 103(a) should be withdrawn.

CONCLUSION

In view of the foregoing, Applicants respectfully request reconsideration and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of the Response, the Examiner is invited to contact the Applicants' undersigned representative to expedite prosecution.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No.

50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR
EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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